

## EXHIBIT “E”

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

GREG DYKSMA and TAMMY )  
DYKSMA, as Parents and Natural )  
Guardians of Nicholas Dyksma, )  
Deceased, and as Personal )  
Representatives of the ESTATE OF )  
NICHOLAS DYKSMA, )

Plaintiffs, )

vs. )

DEPUTY TOMMY PIERSON, SGT. )  
JOE HARMON, DEPUTY HEATH )  
DAWSON, DEPUTY WILLIAM )  
STURDEVANT, and SHERIFF )  
MIKE JOLLEY, )

Defendants. )

Civil Action File No.  
4:17-CV-00041-CDL

**DECLARATION OF MIKE JOLLEY**

STATE OF GEORGIA

COUNTY OF HARRIS

COMES NOW MIKE JOLLEY, who declares and affirms that the following  
statements are true and correct:

1.

My name is MIKE JOLLEY. I am more than eighteen (18) years of age

and legally competent to give this Declaration. Except where apparent, the statements contained in this Declaration are based upon my personal knowledge and are made in connection with the above-referenced lawsuit.

2.

I am the elected Sheriff of Harris County, Georgia, and I have been Sheriff of Harris County, Georgia for over 25 years.

3.

Following the incident involving Nicholas Dyksma on August 31, 2015, I requested the Georgia Bureau of Investigation to investigate the incident because I wanted an outside, independent agency to do the investigation to avoid any appearance of bias. I ultimately relied on the GBI investigation file, video and reports to evaluate the actions of the deputies involved.

4.

Shortly after the incident, I reviewed the patrol car dashcamera video showing the Harris County deputies removing Nicholas Dyksma from his vehicle and using physical force to restrain him during the handcuffing and searching procedure. Based upon the video, and the information I received, I did not see evidence that the deputies involved in this incident used improper or unreasonable physical force to restrain Nicholas Dyksma, and therefore I

believed they acted consistent with the Harris County Sheriff Office policy regarding use of force.

5.

It appeared to me that the deputies exercised their discretion in determining how much force was necessary under the circumstances to restrain and subdue Nicholas Dyksma and therefore the use of force appeared consistent with the Harris County Sheriff's Office policy regarding use of force.

6.

The Harris County Sheriff's Office use of force policy does not expressly address a deputy using a knee or other body part to restrain a person while subduing, handcuffing and searching that person, and it appeared to me from the video that Deputy Pierson reasonably restrained Nicholas Dyksma by placing his knee on the top of his upper back or top of the lower neck area for brief periods of time while the deputies were subduing, handcuffing, and searching Dyksma and making sure he was under control.

7.

Since I saw no conduct or action by the deputies during the incident that violated Sheriff's Office policies or procedures regarding use of force in general, I believed that the deputies properly followed "policies."

8.

At the time of this incident on August 31, 2015, I was not aware of any incident in the previous 10 years in which a Harris County deputy had used an unreasonable amount of physical force to subdue or restrain a person while handcuffing, searching or gaining control over the person.

9.

At the time of this incident, I was not aware of any previous incident in which a Harris County Deputy used a knee or other physical force or pressure to restrain a suspect that allegedly caused the person to experience respiratory distress or other physical harm because of the amount of pressure or position.

10.

A true and correct copy of "Section IX Use of Force" policy from the Harris County Sheriff's Office Policy Manual in effect on August 31, 2015 is attached to Defendants' Motion for Summary Judgment as Exhibit "F".

**DECLARATION UNDER 28 U.S.C. § 1746**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 10 day of April, 2018 in the State of Georgia, United States of America.

  
SHERIFF MIKE JOLLEY